

ORIGINAL

(30)
10-5-01
SC

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

OSAMA ALLAN, :
Petitioner :
: Civil Action No. 1:CV-00-1460
:
v. : (Judge Kane)
:
JOHN ASHCROFT, United States :
Attorney General, et al., :

FILED
HARRISBURG

OCT 04 2001

MARY E. D'ANDREA, CLERK
Per JK
DEPUTY CLERK

RESPONSE TO PETITIONER'S REPLY
TO THE ORDER TO SHOW CAUSE

The United States Attorney, on behalf of the Respondents herein, hereby replies to Petitioner's response to this Court's Order to Show Cause of September 6, 2001 as follows:

1. The Show Cause Order directed Petitioner to address solely the issue of whether the habeas corpus petition had been rendered moot by the actual deportation of Allan.
2. On or about September 21, 2001, counsel for Petitioner filed a reply to the Order.
3. In that reply, Allan addresses both the mootness question and the merits of the underlying petition.
4. In strict compliance with the Show Cause Order, the Respondents will address only the mootness question propounded by this Court. Respondents respectfully reserve the right to address the merits of the habeas petition at such time and in such manner as this Court directs after rendering its decision on the mootness question.


5. Allan's petition purports to challenge the validity of his deportation order on grounds apparently found by the Court of Appeals as being cognizable under habeas jurisdiction.

6. The petition was originally filed by legal counsel on August 12, 2001, prior to Allan's removal from the United States.

7. Under the facts stated herein, it is the position of the Respondents that the fact of Allan's removal does not render moot his habeas petition in that he is still subject to the collateral consequences of a deportation, such as its possible effect on a subsequent effort to return to the United States.

Respectfully submitted,

MARTIN C. CARLSON
United States Attorney



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Dated: October 4, 2001

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CERTIFICATE OF SERVICE BY MAIL


The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion to be competent to serve papers.

That this 4th day of October, 2001, she served a copy of the attached

RESPONSE TO PETITIONERS' REPLY
TO THE ORDER TO SHOW CAUSE

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Harrisburg, Pennsylvania.

Sandra Greene, Esquire
140 Roosevelt Avenue, #202
York, PA 17404


PHYLLIS M. MITCHELL
Legal Secretary